

**From:** [Sheehey, Kate \(EOIR\)](#)  
**To:** [McHenry, James \(EOIR\)](#)  
**Subject:** RE: Future IJs  
**Date:** Friday, July 28, 2017 10:35:48 AM

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Spath is still in negotiations – In July he reached out to HR and asked to EOD in May 2018 or later (we had offered him an earlier date which was too soon and then we offered a September date). He said there was some kind of issue with the military finding a replacement for him. Marcia is waiting for OCIJ leadership to tell her what to do with his counteroffer of May 2018 (that is not a typo – nearly 8 months from now). We've had some issues with this candidate (at first he was accidentally offered too low of pay, which we corrected).

Choi was called and asked for a week to decide. We are awaiting whether the position will be accepted or not.

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**From:** McHenry, James (EOIR)  
**Sent:** Friday, July 28, 2017 10:31 AM  
**To:** Sheehey, Kate (EOIR) <Kate.Sheehey@EOIR.USDOJ.GOV>  
**Subject:** RE: Future IJs

Thanks.

Who is still in negotiations?

Also, has Choi been called by OCIJ?

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Not a responsive record



Not a responsive record



**From:** [McHenry, James \(EOIR\)](#)  
**To:** [Keller, Mary Beth \(EOIR\)](#)  
**Cc:** [Reilly, Katherine - OGC \(EOIR\)](#); [Ward, Lisa \(EOIR\)](#)  
**Subject:** Re: Arlington Immigration Judge Candidate Request for an EOD Date in 2018  
**Date:** Wednesday, August 02, 2017 8:33:01 PM

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That's fine for this situation. Thanks.

On Aug 2, 2017, at 7:53 PM, Keller, Mary Beth (EOIR)  
<[MaryBeth.Keller@EOIR.USDOJ.GOV](mailto:MaryBeth.Keller@EOIR.USDOJ.GOV)> wrote:

James,

We have had a situation like this once before, and the way we handled it was to contact the candidate closer to the time he thinks he can EOD. With your approval, we will do the same here. In this case we would contact the candidate again in January/February 2018 (120 days prior to the May 2018 date Mr. Spath has indicated he can possibly start). The candidate has the offer, we just are not going to set the EOD now since the candidate is not even sure of that date, and we do not yet have a new ij training class yet scheduled that far into the future.

If you approve, we will have Marcia and HR call the candidate and let him know how we will proceed.

Thanks.

Mtk

*MaryBeth Keller*

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**From:** Lee-Sullivan, Marcia L. (EOIR)  
**Sent:** Wednesday, August 02, 2017 4:01 PM  
**To:** Keller, Mary Beth (EOIR) <[MaryBeth.Keller@EOIR.USDOJ.GOV](mailto:MaryBeth.Keller@EOIR.USDOJ.GOV)>  
**Cc:** Lee-Sullivan, Marcia L. (EOIR) <[Marcia.Lee-Sullivan@EOIR.USDOJ.GOV](mailto:Marcia.Lee-Sullivan@EOIR.USDOJ.GOV)>  
**Subject:** Arlington Immigration Judge Candidate Request for an EOD Date in 2018  
**Importance:** High

Judge Keller,

On June 21, 2017, Human Resources made the official offer to Mr. Vance Spath, to become an Immigration Judge at the Arlington Immigration Court at the IJ-2 salary level with an EOD date of September 17, 2017. On July 12, 2017, Human Resources received a response from Mr. Spath. Due to his military obligations, Mr. Spath is requesting an **EOD date of May 15, 2018 or later**. For your review, I

am including the message the Human Resource Specialists, Ms. Holly Pryor received from Mr. Vance Spath on July 12, 2017 at 7:12am.

*Ms. Pryor,*

*I wanted to let get back with you as soon as I could. Please express to your management I remain extremely interested in the position. I also know I would bring the right experience and enthusiasm to the job. The complication of the job offer remains my status as an active duty member of the Armed Forces, and my position as Chief Judge of the Air Force. The application and interview process has taken a bit longer than I expected. When the initial offer came in March 2017, it was for the entry at IJ-1 and a start date only a few weeks later. I indicated this would not work. On May 10, 2017, the offer was changed to IJ-2, with a start date to be determined. On June 21, 2017, a voicemail was left with a start date of September 18, 2017. I did express the September 2017 start may work - in March 2017, but I did not expect the amount of time to see if that date would be approved. The Air Force requires 120 days (at a minimum) for release from active duty. I made some inquiries regarding exceptions to policy, and that is not an option. The Air Force has not approved these for a variety of reasons. I also am uncomfortable with such short notice to the Air Force after the lengthy interview and application process for a variety of reasons.*

*As this timeline has unfolded, there have also been some significant changes in circumstances for me. I am in the midst of a murder trial that has already had extensive motion practice. I remain detailed to a case at Guantanamo Bay Cuba which requires significant time to hand to another trial judge. The requirements for security clearances and clearance to travel for the case are significant. Finally, the Air Force assignment season has passed, and the trial judiciary is left with a couple of significant vacancies that will not be filled until the next course for Air Force trial judges in April 2018. This situation is made worse as a chief judge of a circuit has also just submitted his retirement application. He has requested the 120 day minimum period of time.*

*Again, I want to express my sincere desire to join the team of Immigration Judges. However, I must request a start date of May 15, 2018 or later. That start time period gives me the lead time I need to ensure I give a bit more than the 120 day minimum notice, and to leave the active duty trial judiciary in the place to which I have led it. Please express to management my commitment to them, but also, my commitment to leave active duty in a manner consistent with serving there for over 25 years. I wish the timing of the above events had been different, but at this point, we are where we are at. I look forward to hearing from you all.*

*I am traveling for the next three weeks. However, I have my cell, (b)(6), and I will have email access.*

*I look forward to hearing from you.*

*Vhs*

*//SIGNED//*

*VANCE H. SPATH, Colonel, USAF  
Chief Trial Judge*

To date, Human Resources has not responded to his request. Please advise.

Marcia Lee-Sullivan  
Executive Programs Manager  
Office of the Chief Immigration Judge  
(703) 305-1725

**From:** [Sheehey, Kate \(EOIR\)](#)  
**To:** [McHenry, James \(EOIR\)](#); [Reilly, Katherine \(EOIR\)](#); [Keller, Mary Beth \(EOIR\)](#)  
**Subject:** Future IJ"s on deck  
**Date:** Monday, May 07, 2018 4:37:27 PM

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To follow up our conversation earlier today, here are the EOD's that I know of for sure. I expect many many more for July.

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**May 13 EOD's:**

Bjornerud – Adelanto

Clancy – Harlingen

Jackson – San Francisco

**July 8 EOD's**

Fellrath – Los Angeles

Spath – Arlington

**From:** [Sheehey, Kate \(EOIR\)](#)  
**To:** [McHenry, James \(EOIR\)](#)  
**Cc:** [Reilly, Katherine \(EOIR\)](#)  
**Subject:** Vance Spath  
**Date:** Monday, June 18, 2018 5:07:58 PM

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We have confirmed that he will be able to EOD on 9/2.

His departure date is after that, but that's ok. His official end of service date is 11/1/2018, but he will go on what they call "terminal leave" in time to EOD on Sep 2. Also, apparently all of the powers that be that need to consent to him leaving have apparently done so, and he feels confident that 9/2 is not an issue.